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October 7, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
c/o Natek, Inc., Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

Re: Ex Parte Communication of
Caribbean Crossings Ltd. (FRN 0006382964) and Trinity Communications Ltd.
(FRN 0008957516)
Applications for Consent to the Transfer of Control of Submarine Cable Landing
License and Section 214 Authorization
File Nos. SCL-T/C-20090506-00009, ITC-T/C-20090506-00204; IB Docket No.
09-149

Dear Ms. Dortch:

On September 30, 2009, the undersigned counsel for Caribbean Crossings Ltd. ("CCL") and Trinity Communications Ltd. ("Trinity") (collectively, "the Companies"), Anthony J. Butler, the President and Chief Operating Officer of the Companies, Barry Williams, the Chief Financial Officer of the Companies, and Blaine Schafer, the Vice President of Information & Telecom Services for the Companies, met with George Li, Howard Griboff, David Krech, Susan O'Connell and Sumita Mukhoty of the Commission's International Bureau to discuss the above-referenced applications of the Companies for transfer of control. During the course of that meeting, the Companies provided information regarding developments relating to their applications which have occurred since the filing of their Consolidated Amendment on July 15, 2009. These developments are as follows:

➤ **BTC Privatization.** On July 14, 2009, the Bahamian Government issued a Notice of Privatisation and announced the launch of the process to sell a 51% ownership state in The Bahamas Telecommunications Company Ltd. The Notice encouraged interested parties to participate in the registration, and set a deadline of July 28, with a deadline of August 14, 2009 for the submission of pre-qualification applications. It is the Companies' understanding that four

applications to acquire a 51% state in BTC were filed by four parties, including AT&T, and due diligence began during the month of September.

➤ **New Legislation and New Regulatory Authority.** On September 1, 2009 the Communications Act, 2009, the Utilities Appeal Tribunal Act, 2009, both enacted by the Bahamas Legislature on May 29, 2009, and the Utilities Regulation and Competition Authority Act, enacted June 15, 2009, all went into effect. Under the Communications Act there are no barriers to U.S. companies seeking to enter the Bahamas telecommunications market. The Utilities Regulation and Competition Authority Act established a new independent regulatory authority, URCA, replacing the previously existing Bahamas Public Utilities Commission and Television Regulatory Authority.

➤ **New Regulatory Initiatives.** Commencing operations on September 1, 2009, URCA has published new licensing guidelines, guidance on merger control, and results of public consultations on retail price regulation and access and interconnection regulation, and has launched public consultations on the regulatory obligations to be imposed on operators deemed to possess significant market power.

➤ **Adverse Financial and Operational Impact of Delay.** The inability of Cable Bahamas to consummate its purchase of Columbus Communications' CBL shares ("the transaction") in a timely fashion has had a significantly adverse financial and operational impact on CBL and the Companies. Specifically, on September 29, 2009, CBL's bankers increased the company's cost of borrowing, which will result in over \$1.5 million in additional interest cost on its credit facility. These added costs would not have been incurred had the company been able to consummate its purchase of Columbus shares prior to September. In addition, effective on or after October 13, 2009 CBL's banks will begin charging a "ticking fee" of 1% on \$45 million until the Commission grants the pending transfer of control applications, equating to approximately \$40,000 per month. This \$45 million is that part of CBL's loan facility that the banks have committed to specifically for the financing for the transaction. Additionally, as part of the financing of the transaction CBL has issued \$40 million in new preferred shares to the market which has been in escrow from August 31, 2009 which is also awaiting FCC approval for final issuance. As a result of the \$40 million being in escrow and pending FCC approval the company is incurring a 2% charge on the \$40 million which equates to costs to CBL of approximately \$70,000 per month. Once FCC approval is received this cost will end. On an operational level, pending regulatory approval CBL and the Companies have deferred critical upgrades to their existing infrastructure which would enable them to compete more effectively against BTC. These upgrades include, *inter alia*, facilities which would enable CCL to provide voice telephony service.

➤ **Team Telecom.** CCL has received from Team Telecom a letter of assurance which it has executed and returned to Team Telecom. Upon receiving a signed letter, Team Telecom has informed the Companies that it will advise the Commission that it has no objection to the Commission granting the applications, provided that the FCC conditions its consent on

compliance by CCL with the commitments set forth in the LOA. Team Telecom has further informed the Companies that there will be no need for a separate letter for Trinity.

➤ **Comments on Applications.** On August 25, 2009, the Commission issues a Public Notice inviting interested parties to submit petitions and comments on the Companies' applications by September 24, 2009, with reply comments and oppositions due October 9, 2009. On September 24, Public Comments were submitted by the Television Association of Programmers Latin America. The Companies filed a consolidated reply to these comments on September 29, 2009.

Should any questions arise concerning these presentations, please feel free to contact the undersigned counsel directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Fishman', with a stylized, flowing script.

Eric Fishman
Attorney for
Caribbean Crossings Ltd. and
Trinity Communications Ltd.

cc: George Li
Howard Griboff
David Krech
Susan O'Connell
Sumita Mukhoty

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